No. 5 August 1988

Mike W. Barr:

The Madames and the Girls

How DC Got Rid of the Troublemakers

Only last year, after I'd been working in comics for two decades, I learned that I was originally hired by DC in 1968 because a few of the regular scripters had asked — not demanded, asked — for health insurance. The reply was instant dismissal.

—Dennis O'Neil, "The Man of Steel and Me"
Superman At Fifty, Octavia Press

Fans of DC Comics in the late sixties may have been somewhat bewildered when, over a period of about eighteen months, a number of long-time DC writers ceased scripting scripting titles they'd worked on for years. Gardner Fox was the creator of Adam Strange, Star Rovers, Space Museum, and the Golden Age versions of The Flash and Hawkman. A prolific and popular DC writer since the 1930's, he had scripted every issue of *Justice League of America* through #65, cover-dated September, 1968, after which he was replaced without explanation. his final script for *The Atom*, another character he had created, was published in the February/March, 1969 issue of *The Atom and Hawkman* #41. What was probably Fox's last comics script for DC appeared in *Detective Comics* #384, February, 1969. Likewise, John Broome, another popular scripter for DC and creator of *The Atomic Knights*, and writer of the majority of Silver Age scripts for The Flash and Green Lantern, wrote his last script for DC with *Green Lantern* #75, March, 1970.

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At the Silver Age DC, each editor had his own "stable" of freelancers, and when an editor left a book, the freelance writers and artists generally went with him — even if the writers and artists created the book. And in those days, writers stuck to features far longer than is the norm today. It was unusual, therefore, for such top talents as Gardner Fox and John Broome — by no means old men — to depart their long-time employer, virtually within a year of each other, yet they did, and with little fanfare. The letter column for *JLA* #65, Fox's last issue,

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Okay, so this isn't our special self-publishing issue.

Why? Half the people who want to write articles for the self-publishing forum have found their time consumed with self-publishing. Rather than spread the discussion over several issues, we've decided to hold the whole thing until WAP! 6.

By the way, we're also looking for an article about the many *pitfalls* of self-publishing, from someone who hit those pitfalls. Any volunteers?

Thanks for your patience. And in the meantime...

The New DC Deal Revealed

At a meeting of the California-based Comic Art Professional Society on August 8, Paul Levitz outlined the new DC deal, answering a number of the questions we've wondered about since the deal was announced two months ago. Levitz, the executive vice president of DC Comics, described the deal as DC's "step away from work-for-hire." Further, he said that DC no longer intends to purchase any more wholly original properties outright under work-for-hire, though work-for-hire deals would continue on existing titles or those new books which would be derivative of existing titles.

He laid out the basic tenets of the deal as follows:

The new deal would apply to "wholly new" properties. A property that is in all other aspects original but which uses the name of a previously existing DC character (e.g., Starman) is not eligible for the program. A wholly new property that exists against the backdrop of the existing DC universe and interacts with existing DC properties (e.g., Checkmate, if it were created today) is eligible.

Copyright is vested in the author of the work, while the contract allows DC to keep the property in usage as long as it's profitable. DC has accepted the idea that it is morally right, to use Levitz's term, to turn back to the creators those properties which generate no significant income. The property is not considered unprofitable as long as it continues to generate income in a "meaningful" way, including income from non-publishing sources (i.e., merchandising and licensing, etc.). "No significant income" is defined as earning less than $1000 dollars in a calendar year, no sooner than two years after the publication of the first issue.

Reversion of rights could occur in a number of ways. A property can revert prior to publication should DC opt not to proceed after the first issue is completed. Should problems arise between the creator and DC prior to the publication of the property, the creator may buy the property back prior to publication for the amount DC paid him, and the deal will be cancelled. The property can also be bought back by the creator, under the same terms, if DC doesn't publish the property within one year after the art and writing on the first issue is completed.

After publication begins, the creator can request an "out-of-print" reversion if the property generates no significant income under the terms stated above. If problems arise between DC and the creator after publication begins, the creator can state the problem and request reversion. Should DC be unable to rectify the problem, the property reverts without cost to the creator. (While Levitz specified none, we can assume there are restrictions on this clause to limit its abuse.) Finally, under the copyright law, reversion is automatic in 35 years, and further use of the property by DC will be subject to negotiation.

In all cases, trademark travels with the copyright. DC does not retain the trademark after ownership of the property reverts to the creator.

In situations where others work on a property after the original creator leaves it, only the copyright on that work specifically done by the original creator reverts to him. In DC's deal, other work using the property goes into what Levitz referred to as a sort of limbo, until the original creator works out his own deal with those who later worked on the property. DC will not use the "limbo" work, and it cannot be used by either the original creator or any successors without the other's permission.

In the event that a property is spun off from the original property, DC's deal allows the developer of the spinoff, as well as the creator of the original property, some equity in the spinoff.

Creative control over the property rests with DC, which controls the editorial direction of the property. (This is said to be much less the case with Piranha Press.) An editor for a property will be chosen during prepublication under consultation with the creator, and any change of editor after publication will also be done under consultation with the creator.

According to Levitz, the creator is protected from removal from the book. The new deal sets up "work blocks" of a specified number of issues, mutually agreed upon, during which the creator cannot be removed from the book as long as he continues to meet deadlines and turn out professional quality material. (Levitz used a 12-issue run as a standard work block, but emphasized that the length is negotiable.) When the next "work block" period begins, the creator must be given first refusal on the work in that block, and must be given first refusal on every subsequent work block.

Levitz said that any creators replacing the original creator on a project will most likely be hired on a work-for-hire basis, though there are provisions for the use of assistants in lieu of the original creator (in the manner of John Moore's work on Howard Chaykin's *American Flagg*) and similar measures. Levitz feels that those hired

on a work-for-hire basis are protected by the "limbo" arrangement as outlined above.

DC retains control over auxiliary use of characters in merchandising, other media, etc. Levitz also said that, in the event of the optioning of the property for films, TV, etc., DC will attempt to get the creator an opportunity to become involved in the writing (though anyone familiar with the film or TV industry will know that final decisions in these matters will be completely outside DC's control in most situations).

DC controls all matters of litigation in the event of lawsuit, as the creator guarantees that the property is wholly original and non-libelous. Should there be any financial benefit from the settlement of such lawsuits, the creator shares the net benefit after litigation costs are recouped.

According to Levitz, the Piranha Press contract is substantially similar to the new DC deal, with DC covering the commercial end of the business, and Piranha dealing with more experimental or non-commercial properties. Publication of Piranha titles will likely end when the original creator leaves.

Summing up, Levitz stated that DC's editors were being encouraged to be more responsive to creators, to move the company into the age of creator-owned comics. He also said that the contract would eliminate the use of back of the voucher or back of the check "agreements" and promised that DC is working to eliminate "back-of" agreements in all cases. Levitz recommended creators use lawyers to help negotiate their deals. While Levitz readily admitted that the new deal will not be right for all people, and that many creators will still prefer to go elsewhere with their properties, he again emphasized that the new deal is very open to negotiation and fine-tuning to meet individual needs, and represents a major step forward from the way things have traditionally been done at DC.

Blackthorne in IRS Thicket

Blackthorne Publishing is under attack by the Internal Revenue Service, with implications that could change the status of freelancers throughout comics.

Currently, as Blackthorne interprets the case, the IRS. is claiming that freelancers work on a work-for-hire basis regardless of contractual agreement. If this is, in fact, the view of the IRS, a freelancer working on a single issue of a comic book would be an "independent contractor," but if he does two or more consecutive issues, he is working under the direction of the publisher and is therefore an employee of the company. The purported purpose of this action is to force publishers to withhold taxes from monies paid to freelancers.

The IRS ruling on Blackthorne cuts both ways:

For the better part of fifty years, comic book publishers have played fast and loose with the concept of what constitutes freelance work. Traditionally, writers and artists in comics have been treated as *employees* in any situation where creative rights and ownership of work are in question. The same writers and artists, performing the same work, have been considered *self-employed*, however, in any context that might cost the publisher money -- employer payments to Social Security, for example.

If Blackthorne's interpretation of the ruling is correct, and if it stands, a powerful case could be made to force publishers to provide the same health coverage, vacation pay, and other benefits to their "home workers" that they currently provide to their office staff.

The decision would also have a downside -- a tax nightmare for any freelancer whose work is published by more than one company. Deductions could be slashed, particularly deductions relating to equipment, supplies, and work space, as it would normally be up to the employer to provide these.

The ruling also threatens to terminate the fiscal independence of the freelancer. Blackthorne has already raised the possibility that under this ruling, publishers could claim ownership of heretofore creator-owned properties, regardless of contractual agreement, because the only relationship allowed between publisher and freelancer would be work-for-hire. (This assertion, of course, would have to be tested in court; IRS rulings on tax status do not automatically supersede civil law.)

If the IRS wins on this ruling, and if its effects apply industry-wide, more freelancers will almost certainly choose to incorporate, becoming, in effect, employees of their own "loan-out" companies and sub-contractors to the publishers. Though the 1987 "tax reform" measures have made incorporation a less attractive alternative by increasing corporate tax rates, freelancers in this position could assume a very different, and perhaps more potent, negotiating posture.

Other comics publishers, though, question whether any decision against Blackthorne would affect them or their relationship to freelancers at all. Blackthorne has not verified whether its business practices regarding freelancers bear any similarity to those of other publishers. If not, the IRS action may be a valid claim against this one particular company and may not pertain to the industry at large.

Whatever the outcome, the IRS seems to have dedicated itself to wiping out the concept of the freelancer in all fields, and this is only the latest salvo. The last was a severe rewriting of the tax code pertaining to freelancers *[see WAP! 3]* that all but eliminated deductible expenses by putting them on the level of fortune telling and heavily penalizing inaccurate predictions. That ruling is currently being challenged by a number of freelancer associations.

Blackthorne, recently shaken by a number of setbacks, is barely able to defend against the IRS action.

contains a letter from a reader who asks that the book "please continue in this vein." Editor Julius Schwartz's perhaps ironic reply: "And we'll continue in the vein you ask for, no matter what the bloody cost! A 'new' penciller introduced in the previous issue; a new writer (Denny O'Neil) in the next one!"

Similar lettercol responses, and a change of names in the credit boxes were the only clue that there had been a change of writers at all, and had not Schwartz recently begun crediting the creative teams, it would have been difficult to tell there had been a change. Yet other DC writers of long duration had also either departed, or were getting ready to leave. Months earlier Arnold Drake, creator of *Deadman* and co-creator of *The Doom Patrol*, had written the last issue of that book, and was writing few other assignments for DC. Other DC writers of long-standing tenure with the company were affected, such as Ed "France" Herron, and Bill Finger, called by Batman creator Bob Kane, "the unsung hero of Batman," the first writer of Batman, and considered by many to be the unacknowledged co-creator of the character.

Over a period of approximately eighteen months, writers whose total experience measured more than a century, many of whom had written for DC Comics since the company's early days, many of whom had created some of the company's most popular and profitable features, left the firm. Some, like Drake and Finger, returned to DC briefly in the seventies. Fox returned for one Adam Strange text story in the seventies. Broome never returned. Drake and Fox went to Marvel, where Drake scripted *X-Men* for a while and Fox scripted such titles as *Doc Savage*, *Dr. Strange*, and *Tomb of Dracula*. Both left comics soon after.

For at least a decade, speculation ran that the above-quoted story — that the writers had been summarily fired because they asked for health insurance — was true. The truth seems to be less clear-cut, and more insidious.

"We tried to form a union," said Bob Haney, creator of *Teen Titans*, *Eclipso*, and *Metamorpho*, co-creator of *The Doom Patrol*, and prolific scripter on such DC titles as *The Brave and the Bold*, *World's Finest*, *House Of Secrets* and *Unknown Soldier*, among many others. "That would probably be '66, '67... There was an attempt to form one in the fifties... That was squashed in the most horrendous way — people were just kicked out. The attempt we made in the middle sixties, or late-middle sixties, included Gardner [Fox]; John [Broome] came to a few meetings... Bill Finger was in on it for a while, Arnold Drake, myself... Mortie [Mort] Meskin came to a few meetings...

"What had prompted the unionization was a terrible meeting that Arnold [Drake] and I had with the publisher [Irwin Donenfeld, DC executive vice president]... we went in to get a raise... and we went in and hassled with this man for an hour, and finally he said something to the effect that he would give a dollar-a-page rate raise, which was ridiculous. And then he said he would only give it to one person at a time, and that I would be the [first] person, which was putting me totally on the spot... And we walked out, because we realized that this was a joke... The attempt to give [the raise] to one person, was to isolate me — or whoever he offered it to — and, at the same time, put me on the spot, because if I didn't take it, nobody would get it." Haney thought Donenfeld's offer, even with the ludicrous offer of one dollar a page more, was an attempt to buy him off. "Better he should have said nothing at all, that would have been clear-cut. But this way of trying to isolate us, and divide us, was insulting, of course...

"...I may have accepted it the next day, because I felt that if I didn't take it, the other guys wouldn't get their dollar... my memory is a bit hazy... but I hope to hell I didn't. The only thing to really do was to walk out and say 'Screw you, Jack,'... we did walk out, as I recall, but without saying 'Screw you'... That prompted us to hold the meetings to try to form the union... [The Donenfeld meeting] may have predated the unionization more than just a week or two, it may have been some months, I'm not sure..."

Arnold Drake's memories of the meeting with Donenfeld are somewhat different, "but it could have happened that way... it comes as no surprise to me, because that was the way they worked. Irwin and I had words at one point, because when I asked him for a rather substantial raise, and he did agree to give it to me, he then said, 'But of course, you're not gonna mention that to any of the other writers.' And I said, 'I'm not going to go out of my way to tell them about it, but I'm not going to lie to them if they ask me.' And that made him quite angry, because they worked on a basis of secrecy."

Drake named the persons involved: "There was Bob [Haney] and myself... Kurt Schaffenberger... at one point or another it was more than six or eight, I guess it was about ten... at some point [we] had Dave Wood [scripter of Batman and Green Arrow], Otto Binder, France Herron... [Gardner Fox and John Broome] were both involved... John Broome would have made a difference, if John had lived in the country, but he was living... in Paris..."

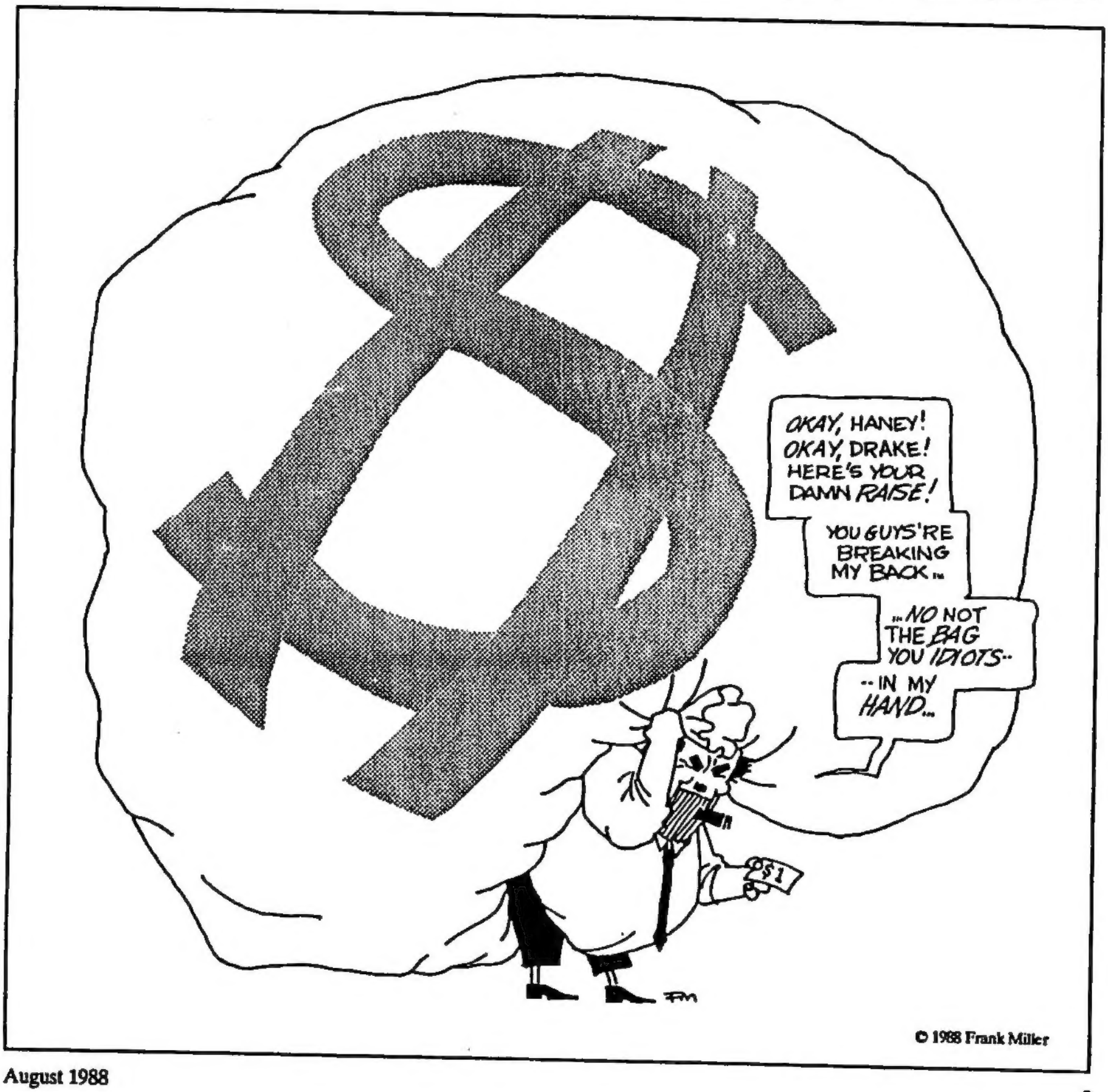
When asked how it was determined what the writers would ask for, Haney replied, "Arnold [Drake] was the man who formulated that sort of thing, he had more background and experience than I did at that time."

"[The writers' movement] was not about page rates," said Drake. "It was more complicated than that. Page rates are significant, but they did not go to the crux of the thing. The true crux of the thing was the matter of giving the writers some kind of ownership... if not actual ownership, then at least a kind of participation. That was the real issue. What [DC President] Jack Liebowitz did — quite successfully — was to turn it into a page rate issue, and order something like a two-dollar raise across the board for everybody... not a significant [raise]... but everybody was very impressed by what they felt was a changing atmosphere, but it did not go to the real root of the problem, which was that writers were to prosper if they were successful in making the company prosper... Partial ownership [of properties] would probably have been the final goal, but that was way off in the distance... We were interested in some kind of a share of the profits, some means of being rewarded for having done a good job... [A union] would have been the logical outcome.

At that time... our immediate interest was in getting some kind of recognition for the contribution of the creative people."

Drake confirmed that health insurance was a part of their package. "There were a number of requests, and that was among them. The best they were willing to do was to allow us to buy our insurance through the company, so we would pay a lower rate, but they weren't willing to take any part of the insurance..." Donenfeld was, according to Drake, willing — albeit grudgingly — to grant raises to the writers, but was unwilling to extend this largess into the area of fully-paid medical benefits, profit participation, and partial ownership of characters.

Neither Irwin Donenfeld, son of former DC president Harry Donenfeld, nor Jack Liebowitz, seem to have been highly thought of by the creative community. "[Liebowitz] was basically a bookkeeper," said Drake, "[It took] a very sophisticated bookkeeper [to] have kept DC alive in the 50's. So Liebowitz was a 50's hero, just as his failure to see comics in its fullest context made him the bottleneck of the 60's... What Liebowitz did do — which was kind of amusing, it was almost an insult to my intellect — he turned to me at one point, during the negotiations to say: 'You don't understand, I'm very sympathetic to the points you're making. When I was a young man, I was a Socialist, too!' The problem was that Liebowitz had a youth of twenty minutes." Donenfeld seems not to have valued good relations with the writers too highly. Drake recalls the following resolution of a dispute between himself and Donenfeld, concerning *Doom Patrol* #121 (September-October, 1968), the last issue of that book: "In a kind of petulant retaliation, what Donenfeld did was order that [artist] Bruno Premiani's [art] be altered. Originally it had [shown] Bruno and



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myself, talking [to the reader], and he removed my figure and put [Editor] Murray Boltinoff's in."

"[Donenfeld] was the *bête noire*," recalls Haney, "because he was a terribly stingy little man who would not give anybody anything."

A meeting with Liebowitz followed. His response to the writers' requests was, according to Haney, "apoplectic...he was apoplectic about most things. [Liebowitz's feeling] "was 'these guys don't know what trouble we're in.' Of course, the firm was still doing very well in those days..."

"Liebowitz raised technical and legal questions," said Drake. "Not that there aren't some significant legal questions. How can you get involved in the matter of ownership on Superman, when it's been written by so many writers, and when the original writers were screwed out of the ownership to begin with? It is complicated, and the lawyers will tell you that once you start to fool around with the ownership, you may endanger the whole structure of the industry... But you know, there are some pretty clever legal minds, that are able to solve every damn thing known to man, if there is motivation, if truly both sides want to solve it. But that wasn't the case, obviously.

"What they wanted to do was to find a legitimate reason for stalling, and that's what Liebowitz did, successfully. He said, 'Let me give it to my attorneys, let them see if they can work out some marvelous plot that will compensate you without risking our ownership, and I'll get back to you, but you know, that will take a while.' And, of course, that was the beginning of the end... I was very well aware of what [Liebowitz] meant, I knew it was a six-month to a year stall... so by the time I get back," [Drake had moved to London for personal reasons] "this thing will probably be ready to be resolved. But that's not what happened at all.

"What happened was that Carmine [Infantino] moved in at that point, and the whole set-up changed... Once Carmine became the great leader, all those things went by the boards, past relationships went down the drain."

Haney confirms this: "[Liebowitz] stalled it, yes... He dangled a kind of a carrot, a very thin carrot. The big stick was always in the background."

Besides Liebowitz's stalling, another obstacle was that virtually no artists were willing to become involved.

"We were trying to get the artists to join," said Haney. "We never got too far along on this... Our big problem was the artists. Because if we didn't have the artists with us — writers are somewhat more interchangeable than artists in the business. I don't put the writers down — sometimes I think they're more crucial than the artists — but in a way it's an artists' medium. If we had had three or four of the major artists, we would have had the clout to go into DC and get some decent conditions, especially in terms of rate... We went to three or four of the major artists; here was the difference: they were doing okay... An artist got $30-40 a page in those days... and they made, in terms of those days' dollars, a decent income."

Apparently, only three artists were ever involved with the group: Mort Meskin, Carmine Infantino, and Kurt Schaffenberger. "We only had Kurt [Schaffenberger]," recalls Haney. "...Mortie Meskin was kind of out of things by then, as I recall, and I don't think we ever had another major artist..." According to both Drake and Haney, Schaffenberger was the only major artist willing to become involved with the group. "We wanted the artists involved, too," recalled Drake, "but we couldn't get them... [Schaffenberger] was the only [artist] who had the guts or the intelligence to recognize that this was where it was at."

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"I'd invited [Carmine Infantino] to join us," said Drake, speaking of the initial days of the writers' movement. "He said, 'I'm sorry, I'm on the other side.' This is when he was an artist, but was busy wooing the hell out of Liebowitz. Liebowitz [retired] first, and chose — hand-picked — Carmine."

"[Carmine] did come to one or two [of the initial meetings]," said Haney. "I think Carmine went kind of as a spy, anyway... He was not what I would consider a real stand-up guy."

"I was the only artist in the group," confirmed Kurt Schaffenberger. "...One of my closest friends was Otto Binder, and he was one of the leaders of this movement, and he asked would I do this, and I said yes, because I'd always felt that we were getting short-changed, so I started attending the meetings. The meetings ran on until Otto Binder's daughter was killed in an automobile accident, and then the whole thing seemed to break up."

Schaffenberger recalled the writers involved: "Arnold Drake... [Gardner Fox] was at one meeting, [John Broome] was one of the 'steadies'... [France Herron] attended one or two, but he was very sick at this point... it was shortly before he died... Otto Binder was one of the originators... Bob Haney was there, and... Bill Finger." The meetings were held at varying sites, "at different fellows' homes in New York," said Schaffenberger.

Schaffenberger was not involved in any direct negotiation with DC executives. "[The writers] were trying to protect me, in a sense, because I was the only artist they'd gotten... so they kept my name pretty much in the background.

"[The writers] were all basically pissed off at Mort Weisinger. He was the one individual that precipitated

the thing. He gave them absolutely no respect, he gave them nothing but grief... I was in Mort's office one time when he told Bill Finger — a real constructive piece of criticism — he said, 'I wouldn't wipe my ass with this script.'"

Schaffenberger confirmed the general tenor of what the writers wanted: "Better rates, reprint rights — a lot of the things that we have today... [Medical benefits] were discussed. [The writers] did let management know that some of the freelancers were not at all happy... [Management's response was] 'Get lost.'"

With management turning a deaf ear to the writers' movement, a strike was suggested.

"We held the meetings," recalled Haney, "when all this came down, and Arnold said: 'Let's go on strike.'... This does not reflect any credit on me... I said 'No'... the reason I said no... we had no artists with us. I said, 'Arnold, if we get two or three of the major artists with us, I promise you, I'll go out with you. We'll walk.' And we could have shut them down, because you cannot lose four or five major writers and three or four major artists... they had a terrific deadline problem always, there... I must admit that I counseled against it, and a few other guys were for it, and a few other guys were against it... and that's kind of when the union fell apart.

"Maybe [Drake] was right in the long run," Haney continued. "You see, I took a calculated gamble, I thought, 'Well, if we don't have the artists, writers they can get quicker and easier, and probably just go right along, and we'll be done for.' I thought, 'What the hell, I'll do it if we have a chance of winning it.' I did not think we had a chance... plus I was building my house... and the strike was coming at the very worst time for me personally. I had more at stake than anyone at the 'union' meetings, so I was being asked to take the biggest risk... At that point, the only guys who would have walked would have been me, Arnold, and one or two other guys. Gardner, I guess. So it didn't happen. That's a very crucial part of the story."

Reminded that DC was able to replace the writers very easily, Haney said, "So I guess I was right, in the abstract, but sometimes I wish I had just been in a position or had the balls to just [say] 'Fuck you guys.'

"[The artists] all turned us down, and that's when I thought, 'Oh, well,' and I walked... Just a few years later... prices began to rise, costs of living began to rise, there were no big raises for the artists, and they began to hurt. And they sort of came back to us and said — some of them did, anyway — 'Hey, maybe you guys were right.' Well, then it was sort of a different period, and it was too late. The corporate changeover took place, and Carmine came in, and all the other changes, and you had rates changing, and it became kind of a different ball game... We said, 'Well, if we had had you guys... we could have maybe had some clout...' See, a lot of these things were given later, voluntarily... but they were given grudgingly and so late in the game..."

One of the writers who entered the field in the late sixties was Mike Friedrich, today head of the Star*Reach artists' agency. Friedrich hit the ground running, writing such features as *Justice League, Batman, Flash,* and *Green Lantern* for Julius Schwartz. A prolific letterhack and long-time fan, Friedrich's professional debut made him at once an example for — and the envy of — every fan who aspired to become a pro. "I was the first new writer for Julie...I sold my first story through the mail," said Friedrich. "I decided to come to New York...and [write] more, directly, face to face...I started work at DC in 1967...I worked during the summers, in New York, during '67, '68, '69, '70 and '71, and in the fall of '71 I worked full-time, after college, at DC until I left the company."

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Friedrich was unaware at the time that he seemed to represent, to the DC management, a new generation of talent. "My ego would have liked to have known that at the time, but nobody told me." Nonetheless, this seems to have been the case, due to special accounting arrangements DC set up for him during the summer of '68. However, due to his inexperience, Friedrich did not realize that this treatment was anything other than the norm.

Friedrich was unaware, until years after the fact, that writers who had left DC may have been fired. "I did not hear [the rumor of firing] until Bob Haney, or Arnold Drake, or somebody... my memory was that it was Haney, but I'm not positive... wrote a letter to *The Comics Journal* in the late seventies... and that was the first I ever heard of it." [The writer of the letter was Haney.]

Indeed, Friedrich says writers Fox and Broome may have withdrawn from the business due to personal reasons, or due to the quality of the older writers' work: "I saw Gardner Fox scripts — typical scripts — they were literally 90% copywritten by the editor. So there is some validity, in my mind, to Schwartz's perception that Fox was just not producing adequately, and if someone else popped up, even some seventeen-year-old kid in California... it [was] reasonable for the editor to pursue [a new writer]. I had no contact with John Broome. By this time, Broome was off in Paris...the impression I always got from Schwartz was that Broome sort of voluntarily withdrew. [Schwartz] never said that out loud, but Schwartz also never indicated that he wasn't happy with Broome's stuff... He indicated to me that he was happy with Broome's material, but that because Broome was now living in Paris... he wasn't able to do as much work,

and seemed to have lost most of his interest in doing it."

During that time, Friedrich had some contact with the older generation of writers. "I saw Haney regularly up at the office... during the summers that I was there... We would have occasional discussions, but they were of a very general nature... we never specifically started talking about [the writers' movement]... I didn't hear any of this till like ten or fifteen years later..."

Friedrich, naturally, spent more time talking with the younger writers who began entering the field in the late sixties, like Marv Wolfman, Len Wein, and Gerry Conway. Ironically, the younger writers began discussing among themselves the possibility of some sort of vaguely-defined writers' movement. "I remember that a lot of the younger writers had tentative discussions... I remember a classic meeting out at a guy's house" [a friend whom Friedrich would not name but whom he said is not in the business] "who Marv Wolfman and Len Wein and I knew... [we] discussed the idea of some sort of organization among ourselves. It never went anywhere, it was like one of those one-day discussions... but I remember [the subject of] that discussion was 'how are we going to reach out to the older guys?'... The older guys never reached out to us... about forming some sort of creative organization, a writers' guild, anything like that... that I'm aware of... I kind of felt, at the time, like I was the new blood, helping to renovate what was sterile work. I didn't have a lot of respect for what those guys were doing. As an older person now, I feel I was probably fairly arrogant, but now I have a lot more respect for what they were doing than I did when I was eighteen... I was aware that I was part of the process of sort of moving the old guys aside. Denny O'Neil was a far more active player in that process, he was brought in to do an awful lot of [writing]... but they even brought in another old-timer, in the form of Frank Robbins... and I remember Schwartz [was] extremely relieved to be dealing with a 'veteran.'"

O'Neil, who began his comics career as a staffer at Marvel, had been freelancing for Charlton, then was brought to DC under the editorial wing of Dick Giordano, along with other Charlton alumni like Steve Skeates, Steve Ditko and Jim Aparo. Robbins had written and drawn his King Features comic strip, *Johnny Hazard*, for several years, and is widely considered to be one of the most talented disciples of the Caniff school.

"It's conceivable," said Friedrich, summing up his feelings, "if somebody started to agitate as a writer, that they could perceive that they were being forced out for that agitation, where in fact they could also well have been forced out because they weren't producing what the market wanted to read." Asked whether the reasons for management's discontent with the writers could have been a combination of both, Friedrich said, "Probably. Now that I have twenty years of experience with [comic book] management, I believe that management is capable of doing anything... It is not beyond the realm of possibility that the kind of discussion that would be had between a publisher and an editorial director would be: 'a) we've got these tired old guys, b) they're giving us a hard time, c) let's try and ease them out'... That kind of discussion is completely likely."

"There were two reasons [for the failure of the writers' effort]," said Drake. "[Lack of participation by artists] was primary, secondary was that the writer was not respected back then, and the artist was. The attitude was, 'Anybody can write, but not anybody can draw.'"

Were any writers actually fired, or did they simply choose not to write any more for DC?

Drake: "It was simpler than that. I had lunch with Joe Orlando one day... this was somewhere around 1970, I guess... and Joe put it quite simply. He said, 'Nobody over the age of thirty-five is going to write for me.' So I said, 'Joe, you're over thirty-five,' and he said, 'I'm the exception to the rule.'"

"There was a process, whether it was conscious or otherwise, of kind of stripping the guys of their own dignity."

—Arnold Drake

"I don't think [the writers] were fired so much as they were starved out... [Management] took titles away from them, and they would put them on lesser books... There was a process — whether it was conscious or otherwise — of kind of stripping the guys of their own dignity."

"I don't think [the writers] were specifically fired," said Schaffenberger, "—a lot of them didn't get much work any more after that." He speculated that the situation may have been more of a freeze-out than an actual dismissal; writers may have simply found that their assignments had been given to other writers, or found themselves demoted to lesser assignments. Asked if his participation in the writers' movement affected his own career, Schaffenberger said, "I'm not sure. There was a period in there, in about 1970 — right after Carmine took over — that I didn't get any work out of DC for about two years." Schaffenberger suspected that this was due to his participation, but was not sure. Schaffenberger was not aware that a strike had ever been considered, and speculated the idea was dropped due to lack of participation by a large number of artists. "The movement died [in 1967] with Otto Binder's daughter. After that I don't recall a single meeting we had."

"The word sort of got back that there had been meetings," said Haney, "there was a certain amount of pressure put on some of the people. I did not, personally, get the pressure... Some of the other people did get more pressure than I did, I don't know why I didn't...

"The way [DC] did it was for guys to sort of be forced out or quit over a period of some months, I guess it was... But if people walk out overnight, that's a lot more of a jolt for them, but it didn't happen that way... I [attended] one more meeting... at someone's apartment... then I didn't go anymore — if there were any more — then I began to hear about these guys vanishing, or not being there, or somebody had left. I'd heard about it kind of second hand..."

Most of the writers did not socialize outside the office, and their meetings in the office were only by chance. "Sometimes," Haney said, "you didn't see Gardner Fox for months, unless you came in the same day he did... so he could have been out a whole year before I might have been aware of it... I don't know whether Gardner was forced to quit, or he left because he was just disgusted... Arnold [Drake] got sort of forced into the background, there was a certain prejudicial atmosphere... I don't think anybody was simply called in and [told], 'You're out of here because you tried to organize,' it wasn't that... I can positively say, I think, that did not happen. But what happened was a tacit pressure, and then there's the other thing, that if you see that you can't get anything, can't get anywhere, that guys quit anyway... they just walk, and I don't know whether they walked, or whether they were pushed, or [whether they] walked and [were] pushed."

"The only editor...fired was George Kashdan...They fired him because his attitude was not to kiss ass."

— Bob Haney

Did any of the DC staff editors know of the writers' movement? "Jack Schiff knew [of the growing discontent of the writers]," said Drake. "He was somewhat sympathetic... I think Jack probably did try [to intervene on the writers' behalf]... but they didn't pay much attention to him, Jack was the 'house radical' as far as Liebowitz was concerned... I'm sure that [George] Kashdan was sympathetic. I don't remember whether he had been pushed out by then [from his job as staff editor] or not... That was probably Carmine's doing, I would say. Carmine probably felt that Kashdan was too sympathetic to the freelancers."

"Jack Schiff, who was a good man, and a liberal man... was aware [of the writers' movement]," confirmed Haney. "George [Kashdan] was aware... then I think the other type of persons... they're company men, and they get frightened and angry about that type of thing. They go with the company. But the more liberal element of the editorial staff was on our side. They couldn't do much, of course, but silently sympathize... Mort [Weisinger] would always be a total company man... He was such an exploitative and manipulative man... And he was buddies with Jack Liebowitz... He despised writers, he despised artists...

"The only editor... fired was George Kashdan," continued Haney, "and that was unfair, because his books were not doing that badly. They fired him because his attitude was not to kiss ass... It wasn't Carmine's doing, particularly, I don't think, but they felt they had to do something to scare people or shake people up."

Schaffenberger did not know if editors Jack Schiff or George Kashdan knew of the writers' movement, though he was sure Weisinger knew, and disapproved. "He objected to any of the writers and artists discussing rates—strongly objected."

When Liebowitz retired in 1970, Carmine Infantino, best remembered as penciller on *The Flash, Adam Strange,* and *Space Museum*, was made publisher, following a three-year stint as Editorial Director. Infantino's credit as Editorial Director first appeared in the indicia of the DC books dated August, 1968, with his name first appearing as Publisher in the October, 1971 issues. Infantino, a freelance artist throughout most of his career, had been making inroads to a staff position for some time. He had begun to attend editorial meetings at his own request, then had begun either laying out or suggesting cover ideas for the magazines, in an attempt to shore up lagging sales. Both Haney and Drake felt that Carmine was intensely loyal to the old guard of Liebowitz and Donenfeld.

"[Carmine] was not a bad guy," said Haney... Sometimes he was too much of a company man... He was very beholden to Jack Liebowitz, he was loyal to Jack Liebowitz... and Liebowitz was no longer there. He was loyal to those kind of old principles that were not even principles, they were just rotten paternalism, and did not work very well for anybody, including the paternals... [DC] did need a chief editor... and Carmine, of course, jockeyed himself into the job by threatening to leave. He was one of the sons that Liebowitz valued... and when Donenfeld left, Carmine... was made Editorial Director. It was the first time we'd had one since Whit[ney Ellsworth]... Things got a little bit better... Marvel taking away a lot of the market forced DC to begin to at least... treat the writers and artists somewhat better in terms of rates and recognition... but, of course, nothing really significant changed until the new regime came in in the seventies."

Carmine Infantino would not talk about the issues covered in this article, but, through a third party, said that most of the writers who ceased to work for DC during that period did so either before he was made Editorial Director, in 1968, or after his term as Publisher was over, in 1976. Any dismissal of writers, continued Infantino's intermediary, would have been due to the actions of DC editors.

No help, apparently, was coming from outside sources either. Said Drake: "We tried to bring in the Writers Guild of America (of which I am a twenty-five year member)... but we were told... to come to them when we were fully organized and then they would help. Which is like a lifeguard shouting to a drowning man, 'I'll save you just as soon as you've swum to shore and hung up your suit to dry!'"

Drake offered these observations as to why the movement failed: "There was this feeling on the part of the artists that when you band together, you lose your individuality. 'I want to be compensated for my talents, not for some damn political notion!'... [The movement] failed for the simple reason that we had only about six people involved, at the most it would have been eight people..." [By the time Carmine became editorial director] "I don't think it was necessary" [to stop the writers' movement] "it just sort of washed away... When I came

back [from London], I recognized that that's where it was at, that we weren't going to be able to resurrect [the movement], not for some period of time, because the guys weren't ready. Once I recognized that, I decided to try to adjust things for myself, to make myself as comfortable as possible there... It was not Liebowitz who dunnit, the enemy was ourselves, as Walt Kelly said, I think..."

Haney disagrees with this, to a degree: "Yes, we did do it to ourselves to an extent, but any management with the slightest bit more concern or compassion for its 'employees' would have treated us better than these people. They were living in the 16th Century as far as respect for the creative people who enabled them to have mansions, limos, and... incomes."

"The original publishers in the comics field," says Drake, "thought that they were really running brothels. They were the madames, and the writers and artists were the girls. Well, that's no longer true... Over the last twenty years, or so, the comics field has created stars. And those stars have gained power, because a star sells a picture... or a comic book. And he is, as they say, 'box office'... One of the reasons that they didn't print writers' credits in the early days was, I think, the recognition that they wanted to avoid a star system arising, where one day they would have to pay a guy what he was really worth."

At least as recently as the end of my editorial tenure at DC in 1986, staff editors could be heard making the same argument against giving cover credits to the creative teams.

Drake summed up his experience thusly: "It was apparently an idea whose time had not come. Maybe it's right now, but it doesn't look like anybody's going to bother to do it. Now they're making the mistake of saying, 'We don't need it, we've got everything that we want.' That's dumb. What you need is recognition. You need to be dealt with as a group, not as individuals... What [the freelancers] have gained, hasn't been taken, it has been given to them. And that which is gratuitously given to you can be just as easily snatched back. So if the whole field is going to become truly legitimate, the writers and the artists will one day get together and take what's rightfully theirs, by speaking with a single voice, instead of trying to go in and negotiate one by one."

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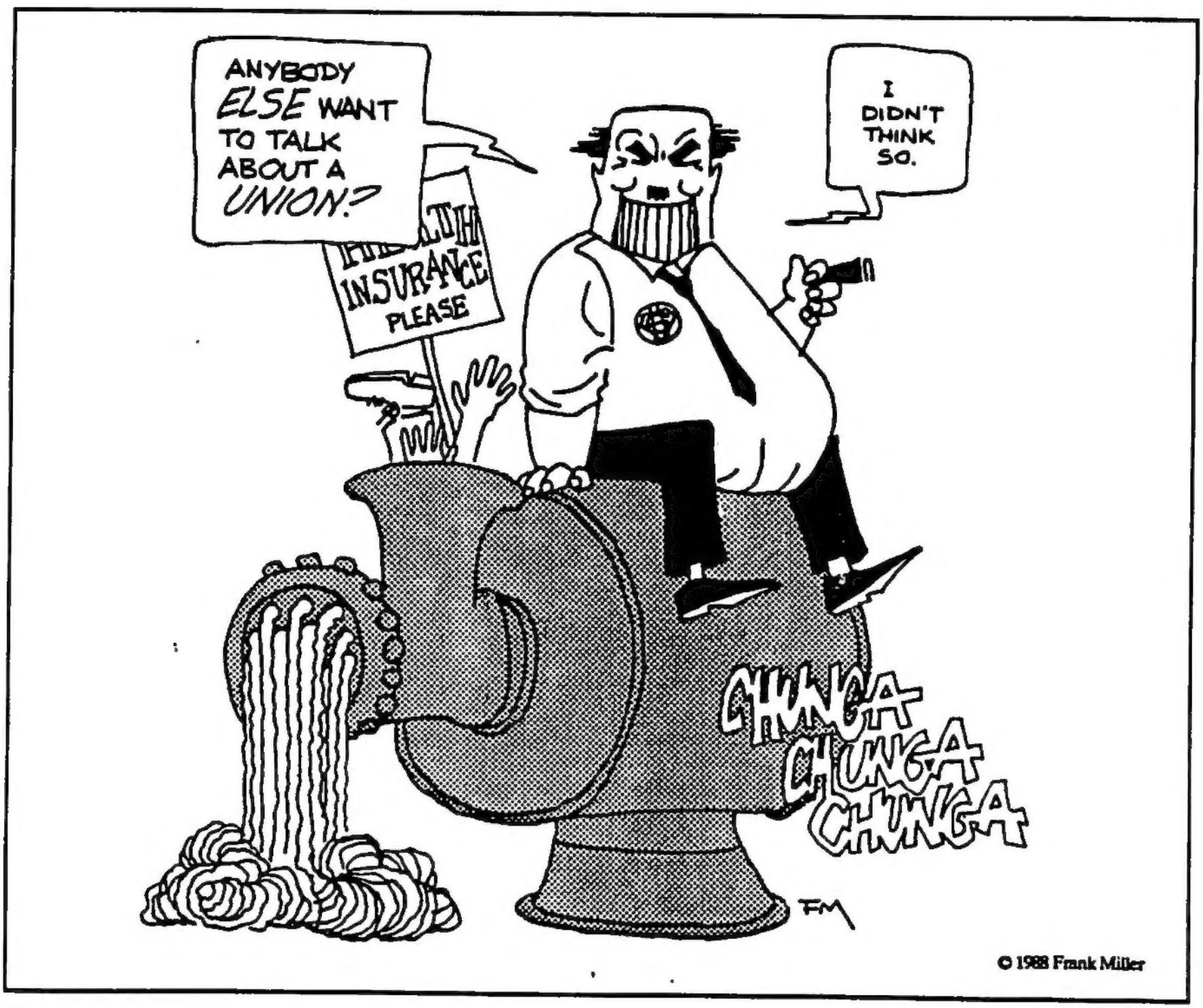

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Steve Bissette:

The Politics of Cowardice, Pt. 2

**"Gross Assumptions:
A Family Affair"**

[A note from the editors: This article was originally written for the Buyer's Guide in early 1987, but never saw print there. It has not been rewritten to accommodate changes in the scene that have occurred since then, and we ask the reader to keep that in mind. This serialization began in WAP! 3 and will continue for the next several issues.]

"We must approach the job not merely with the viewpoint of men with millions of dollars invested in the business, but with that of parents with millions of children invested in it."

– Will Hays, chairman of Motion Picture Producers and Distributors of America,

"This question of personal responsibility is central to the issue... It is an act of cowardice for any parent to expect creators or comics companies to do their moral policing for them."

– Alan Moore

The root of the dilemma lies in the word "comics." It implies good humor, and has been associated with children's literature since the term was first used over fifty years ago. The public perception of the artform has always equated it with children; only now is that beginning to change. Yet we are still weighed down with the emotional baggage carried by the phrase "comic book."

Those connotations clearly motivated Officer Van Gorp's obscenity charges against Friendly Frank's. Was it as if he has discovered Toys 'R' Us was selling dildos and inflatable "love dolls" alongside Madballs, rubber bathtub duckies, and Legos? The assumptions that led to the arrest are unspoken and vague. *Must* comics be for kids? Are adult comics an aberration and an obscenity, and anyone who sells them automatically suspect?

Creators, publishers, and retailers of comic books seem to share Officer Van Gorp's confusion. From the initial outcry (perhaps "outsqueak" is more appropriate) through DC's introduction of written standards and practices, just what fed these outrages and what constituted appropriate corrective measures remained unquestioned. There is the assumption that "we all know," hence no need for clarification. That assumption, I dare say, is the maternal/paternal instinct the phrase "comic book" conjures in and of itself.

Implying and arousing "parental duty" as the legacy of the artform itself, the current debate has effectively divided the industry. For over 35 years, the comic book industry had taken on (or, at least, paid perpetual lip service to) the burden of being surrogate parents to generations of readers. Not until the underground comics revolution of the late '60s and early '70s did a handful of creators, publishers and retailers openly cut the apron strings and refuse to curb their creative impulses. From that moment, there has been no going back. Magazines like *Heavy Metal* and *Epic*, following the lead of the undergrounds and introducing the forbidden fruits of the maturing European comics, led to tentative mainstream and public acceptance of "adult" material in comics. Widening interest in the maturing of the artform led to our current state of affairs, wherein the mainstream success of *Maus*, *Dark Knight*, and *Watchmen* forces the industry at large to acknowledge and accommodate the tastes of older readers.

While many embrace this coming of age, older publishers are uncomfortable with the change, even as they actively exploit it. Part of the reason is that they can't shake the "parental obligations" they have acted under for so long, still linked to the word "comic book." Part of their reluctance to forgo the "parental" duties lies with the *control* that the role of parent granted them.

As publisher *and* "parent," the publisher can assume the ignorance of its "children," the creators and consumers, and justify its actions (should it choose to justify them at all) as being "for the child's own good." The promotion and manipulation of an illusory "family" is still used to this day, even by many "independent" publishers, to attract readers, exploit creators, and manufacture a semblance of identity for the company. This archaic and transparent tactic wears thin, even while it's invoked as a noble tradition.

"Negotiations and love songs are often mistaken for one and the same."

– Paul Simon

What's most insidious about this illusory parent/child relationship the companies try to foster (and, I must add, which many creators and employees embrace) is how mutual respect and fair business practices give way to outrage, anger, and confusion in the face of disagreement. DC certainly acted like a betrayed parent when it fired Marv Wolfman and Mike Barr over their stands against DC policies. As other freelancers who took the same stand are the neighbor's kids, DC's punitive hands were tied there, but those who lived in DC's house and ate at their table paid for their insolence. The unspoken assumption of "family" results in hurt feelings and surprisingly deep emotional reactions from all involved, feelings all the more hurt as the assumed "parental role" no longer works as it once did. Many creators have "outgrown" the Parent Company households – never acknowledging, never needing, the illusion of their existence – even as they yield the Parent Company's major financial, popular and critical successes.

The indifference of these creators only adds to the Parent Company's hurt and anger, especially (as in the case of DC's ratings and standards) when a matter they wish to keep behind closed doors is publicly aired. Unable to curb tongues with evocations of familial bonds and demands on loyalty and devotion to the surrogate Parent, they retreat in bruised confusion, asking what happened to "Honor thy father and thy mother?"

One clarification: while many

The Purge of '88

parties in comics cling to this imaginary "family" relationship, and though the relationship itself is insidious and easily lends itself to unsavory business practices, it is not entirely a *conscious* construct created by Parent Company regimes, though some, such as Marvel, are very overt about its existence and attendant obligations.

For the most part, it's *un*consciously assumed, the unspoken "tradition" of an industry just beginning to mature as a business (royalties, return of artwork, fair page rates, etc., being very recent and still frighteningly tentative developments) as well as an artform. Publishers, editors, and office personnel step into their respective jobs to find they have entered a patriarchal system not of their own design. It is never spoken of, though it affects their every action and reaction whether they like it or not. Often, an understandable confusion ensues.

"You buy 'em books and you buy 'em books, and they just chew on the covers."
– Texas proverb

The confusion is obvious with a cursory glance at the DC standards and practices. It's a well-meaning attempt to please everyone, to take on the mantle of "parent" that the term "comic book" implies a need for. The absurdities implicit in such a short document are almost too numerous to mention. Jenette Kahn assures us that DC is only "formalizing what we've been doing already," clarifying "values [that] were felt rather than expressed."

Those who work (or have worked) *within* the DC offices may accept that last statement at face value, but, for many freelancers and those who once worked in the office but rejected it for freelancing, it implies the formal extension of the unspoken "family" atmosphere into our own households and creative processes, beyond normal editorial involvement. It insists that the freelancer formally comply with and accept the company's values (apparently *moral* values) as one's own. Such practice was "business as usual" for years, especially when the enforced reign of the Comics Code Authority (a prior generation's way of dealing with the issue during a time of *genuine* and forceful social pressure on the industry to play surrogate parent to thousands of young readers) was in full flower. Companies have always had in-house rules beyond those called for by the CCA, and creators have either worked within them or worked elsewhere. The practice continues, of course, and functions on many levels, primarily to enforce petty "pecking orders" within the company's narrow perimeters. Though the office atmosphere today differs little from that of the '50s and '60s, with office policies and personal whims of those in power still a strongly felt influence on creators within easy reach of the office, the situation for many freelancers is very different.

Freelancers embrace the autonomy of "being their own bosses," the tightwire act of pleasing oneself *and* the person authorizing the check to the best of one's abilities; geographical distance between "the office" and the freelancer adds to this feeling of autonomy (though it creates its own problems: dependence on mail and express services, telephone, etc.) Since the relaxation of CCA standards, the rise of undergrounds, independent and self-publishing, and publishers' acknowledgment of the need for variety and individuality in the current marketplace, publishers have grown dependent on the efforts of their freelancers. Likewise, freelancers have enjoyed unprecedented opportunity for acceptance and success, with greater freedom of expression, than ever before. DC openly encouraged and profited from such creative opportunities, hence the backlash when their formal expression of in-house standards and guidelines began to circulate. For some, it was a return to the stifling, archaic workplace; for others, the embarrassing first look at a rather presumptuous and slightly retarded "parent" one had neither recognized nor needed during prior satisfactory dealings with the company.

The stated guidelines were eerily vague and amorphous, laced with the intent to "label" the books ("U" for Universal, "M" for Mature, "A" for Adult), and promising "controlled distribution" (a term never defined by DC) for the non-Universal titles. The need for positive role models was evoked, along with the "aim to maintain a realistic view of society." Whatever that means.

"U"-rated titles "will avoid language that is generally deemed to be unacceptable at the average family dinner table" (I've obviously been eating at the wrong dinner tables throughout my life), an affirmation of the parental role in which DC sees itself, conjuring the cozy image of publishers, creators, retailers, and readers breaking bread in a dining room. Pass the biscuits, John-Boy...

(My favorite part of the guidelines states that "we will continue to be respectful of the diversity of religious beliefs in our society," immediately followed by the promise that "DC will continue to explore supernatural themes in the literary tradition of fantasy without imparting to them any religious significance," a glib denial of the substance of many of their characters. *The Demon*, a title about a being from Hell, is plugged directly into Anglo-Saxon Christian belief whether DC chooses the acknowledge it or not, just as *Deadman* is a walking testimony to "life-after-death" and its religious implications. And so on and so forth. Just as "labeling" the books won't keep Officer Van Gorp at bay, claiming that supernatural characters carry no "religious significance" won't matter in the least should anyone choose to make an issue of it.)

Also of interest, amid the garbled license for graphic depiction of violence, nudity, "sexual behavior and salacious content" in all but the "U"-rated comics (providing, of course, it's "necessary to the story and... used with restraint"), is the following statement:

"Creative talent can take a position on controversial subjects as long as its position is well-considered and based upon fact. However, we should make clear that controversy exists when it does and the positions expressed are, in fact, opinions."

Coupled with the prior reference to presenting "a realistic view of society," this puzzling paragraph is unsettling for what it *doesn't* say as much as for what it does. The implication is, as in a household, that the "child" must justify his or her

worldview, with "facts" the parent figure may or may not choose to accept, should the parent question any of the "child's" actions. In an industry where "facts" are relative to which character did what in some obscure incident in some forgotten title years ago, more than any "fact" rooted in day-to-day reality, the statement becomes more than a little ridiculous. Once a company or industry tries to qualify, quantify, justify or define the intent and voice of its creators with blanket "standards," it embraces and enforces gibberish.

What is really at stake, what DC's standards and labels attempt to reinstate, is the entire illusory "parental role" of the company, an assumption of the last half-century of comic book history that is finally being questioned and increasingly abandoned. Once again, the analogy of "growing pains" seems appropriate.

Being a parent is quite a responsibility; playing pseudo-parent for literally hundreds of thousands of readers has been quite a trick. It's time to abandon such pretensions and move on to healthier creative relationships and better business practices within the industry. Companies must acknowledge their true role and responsibilities as businesses, rather than cling to the self-destructive self-image of "parents" to an imagined brood of ignorant, impressionable, and easily manipulated "children" who are incapable of making their own decisions or fulfilling their own responsibilities. Those "children," creators and readers alike, are asserting themselves and making their own way in the world, without concerning themselves with the "blessings" of surrogate "parents."

TO BE CONTINUED

(In the interest of fairness and understanding, WAP! will occasionally air the problems of non-freelance segments of the industry. The following should have appeared in WAP! #1, but...well...let's just say it wasn't our fault....)

The Freelancer is Always Wrong

He is, you know. If the book ships late, it's never the Editor's fault. It's always those damned freelancers out there who didn't do their work as quickly as they should have.

They always have excuses. Like, I called up this inker on Feb. 7 and he agreed to ink the book in three weeks... promised it would be done by March 1. Well, it turned out, he didn't get it in until March 5. He was late. And, of course, he had excuses. Can you believe it? He claimed it was *my* fault. He pointed out that he didn't receive the book until Feb. 15. Well, okay, so he didn't. But when a person agrees to get an assignment done by March 1, it's his responsibility to get it done by then. The inker should accept most of the blame.

The rest of the blame goes on the letterer. He was late. I sent him the book to letter on Feb. 5. I swear I did. I had the Federal Express receipt here somewhere but I guess my assistant threw it out. Anyway, the letterer claims he didn't get it until Feb. 10 and then he was unable to drop everything and immediately do my book. And you want to know the ridiculous excuse the letterer gave me? He claimed he was lettering four other books for four other editors at this company and that everyone had sent him pages marked "rush" all at once. I told him, "I don't want to hear your excuses. After all, the inker is waiting for work and you, personally, are completely responsible if he doesn't have it."

Of course, maybe some of the blame should fall on the penciller, too. He was supposed to have the pages in on Feb. 1, but I didn't get any in from him until Feb. 7. He was late. And wait'll you hear the excuse he had. He claims that he had to take on another job for someone else in order to make his rent! He claims that he still hasn't been paid for the job he did for us last December. That isn't possible.

I know it's not possible because our company *never* pays late. We have a foolproof system here which I have had to explain dozens of times to people who somehow thought their checks were late. But I know that's impossible. Every week, I walk down the hall to the Accounting Department and I get my check, right on time. This penciller out in California doesn't know what he's talking about. He's three thousand miles away and he doesn't know how this company works. How can he possibly know if he's being paid on time or not?

Besides, let's suppose he was right. Mistakes, I suppose, can happen. It's possible that a bunch of voucher requests could sit on my desk under that box from Domino's Pizza for three weeks before one of the secretaries found them. It's possible that freelancers' checks could be late but that's no excuse for an artist not to get his work in on time. There is no excuse. He made a commitment to me to have the work in by Feb. 1. I'm not responsible if his check is three months late. That's another department. I have no control over that.

He has to understand that our Accounting Department has other things to do and can't always get him his check when he would like to have it. In any case, it takes fourteen days to write a check. Doesn't he understand that things like that just can't be hurried up? And if someone doesn't get the voucher in on time, it can take an extra two or three weeks.

But I guess, now that I think of it, the real person to blame for this book being late is the writer. That's where all the trouble started. He was late.

I called him last December and asked him to write the book. He agreed. That was a firm commitment on his part. Unfortunately, he didn't understand that my offer was subject to an OK by the folks over me. The writer went to work on the assignment. He made the mistake of thinking that just because I, an Editor, had offered him the job and he'd accepted, he had some sort of commitment from the company.

Not so. I had to go check it with the Publisher and the President and the Vice-President and the Executive Editor and the Editorial Director. They all made suggestions about how the book should be written.

Early in January, I called the writer to give him their

suggestions and to alert him that he only had a few more days to get me the script. He had the nerve to tell me that we'd never discussed deadlines and that he still didn't know what his page rate was. I told him that page rates weren't my department; he'd have to talk to the Executive Editor who's in England for the next three weeks. I also told this writer that a deadline had been set for the script a month before. It's not my fault no one bothered to mail him a copy.

I told him that everyone had okayed him doing the book but they had all suggested certain concepts. He acted like it was my fault that he'd started writing before I told him these concepts. But I really nailed him on that. I pointed out to him that we didn't even have a deal until now when everyone here had okayed it. Anyway, I told him the concepts they had which involved tying his story in with a story in one of our other books. He said okay and asked me to send him reference on that other book. I said I would... and I keep meaning to do this but my assistant keeps forgetting. Anyway, the writer said he'd try to get the script in, close to the deadline. I reminded him that he'd had a month so far to work on this script and I wasn't accepting any excuses.

And, sure enough, he got the script in a few days late. You wouldn't believe what he told me. He said, "It takes me fourteen days to write a story. Don't you understand that things like this just can't be hurried up?" That's such a ridiculous thing to say. How can it take fourteen days to write something?

Since this writer is so irresponsible, I'm going to commission a few fill-in scripts by other people. He'll probably whine that the fill-ins are screwing up the continuity and also the concepts we discussed but it's his fault for being late.

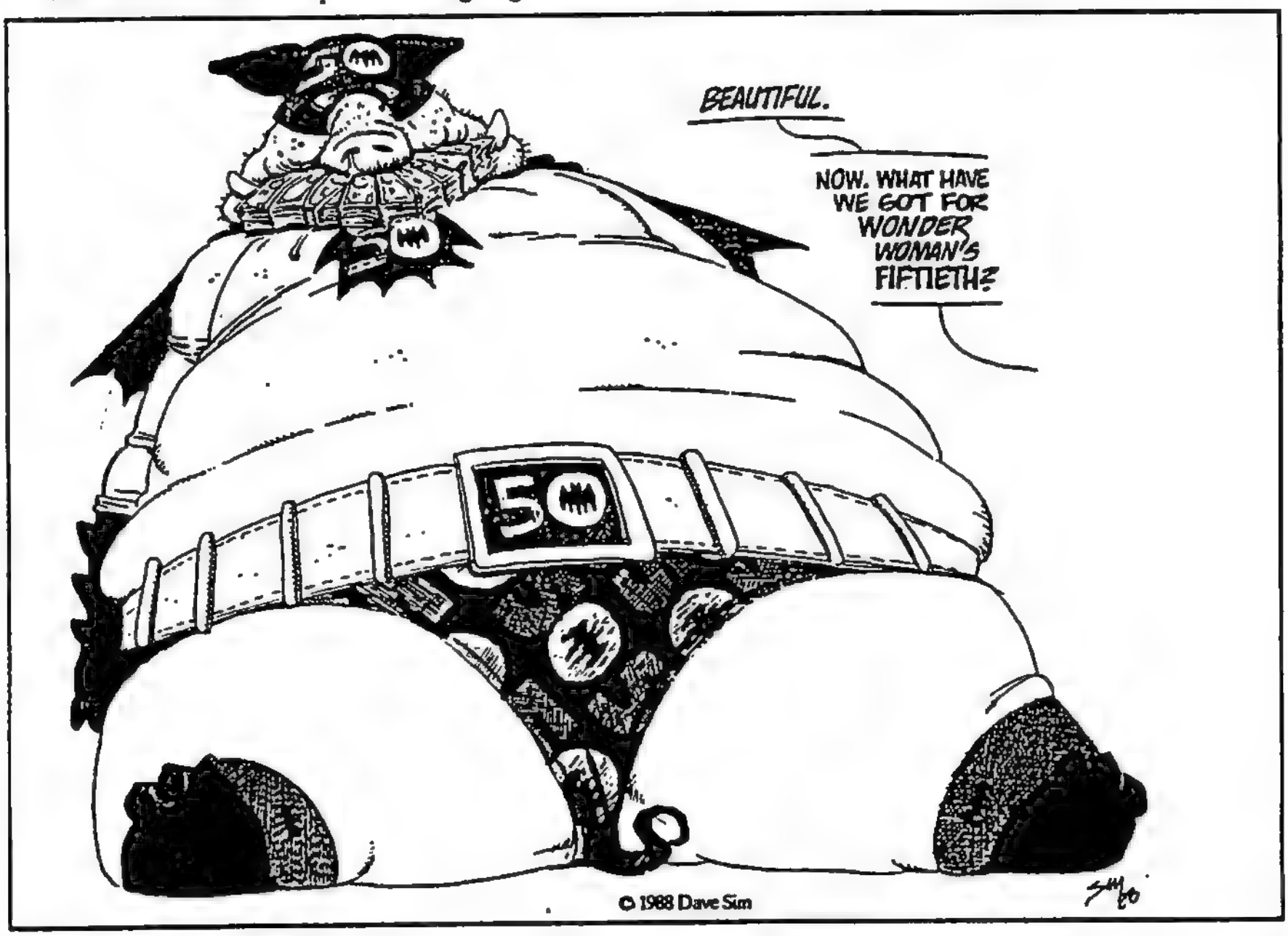
Anyway, the book is almost done. This morning, I gave it to a colorist and told him I have to have it back, first thing in the morning. Since the book was due last week, this colorist is already late. I can't stand people like that.

As you can see, none of this is my fault. I've done everything I can do to get it out on time. Just a few minutes ago, my assistant told me that there are a lot of words spelled wrong and that the credits have the wrong names in them. Well, that's not my fault – the letterer should have caught those mistakes – and there's no time to fix them.

Actually, I'm not happy with anyone who worked on this issue. They were all late and, besides, the Publisher just looked at the issue and complained that it looked kind of "rushed." I may have to get some new people on this book.

Hopefully, I'll find some who aren't always late, like the folks who did this issue. I don't trust any of them. In fact, I'm going to go through the office and warn all the other editors about how late they all were.

They'll all understand. They know that it wasn't *my* fault the book was late. I'm so overworked. After all, I have to edit three books a month. I'm thinking of asking for another assistant.



Send letters to:

WAP!mail
1879 East Orange Grove
Pasadena CA 91104

All opinions expressed in letters are those of the writers and do not necessarily reflect the views of this newsletter or its editors or publisher. All comics freelancers are invited to air their views in WAP!

Dear Guys:

I saw the piece on WAP! in *CBG* #761 and was going to ask for a complimentary copy, but kept putting it off. Then I read Gary Groth's screed against WAP! in the latest *Comics Journal* and had to see a copy. You're my kind of people.

I'm S.A. (Steven Alan) Bennett, creator/writer of *The Rovers* for Malibu/Eternity (try not to hold that against me). I'm at that awkward stage of my career, somewhere between my first sale and my second (and third, and...). Hopefully, I'll have a couple of monthlies going before the end of the year, but no contracts have been signed.

I suppose if I had to narrow it down to one "problem" I have as a writer, it's that I'm good (he said with all modesty), but nobody knows it. (*Rovers* got a "A" from Don Thompson, a "Poor" from Andy Mangels, a couple of letters from real folks, but otherwise the title seems to have disappeared without a trace).

S.A. Bennett
Akron, Ohio

Dear WAP! Guys:

Enclosed is $25.00 for a year of WAP! Please start with issue #3. Sounds like a disease. Or condition. I suppose it is.

I haven't heard any interesting news lately that hasn't made the rounds, though I just read a copy of the latest standard Epic series contract and was astounded...not that they would send out such a contract, but that they would expect anyone to agree to such a thing. An article on this might be a good idea to warn those who aren't so legal-minded (or devious).

This so-called "creators contract" is only a half-step from work for hire. Ostensibly a 3-year contract, it's really a 7-year contract. They have full control over all merchandising rights, including movie rights. They can, of course, sell it to themselves at top dollar. They own all trademarks on said merchandise 'til the end of time. Basically it's not a bad deal (nor a great deal) if it sells lotsa copies; where you're up the creek is where Marvel licenses things out, makes bad deals; the author has no recourse. (To his credit, Epic editor Archie Goodwin recommends careful consideration of the Epic contract before signing.)

I found my work published in Italy. When I contacted Marvel (actually Mark Evanier did), they claimed to know nothing about it. There was more to it, but I can go on at some other time if you're interested.

I'd also like to see something to explain to us Americans exactly what Canadian Bill C-54 and England's Section 28 are, and how they relate to us as creators.

Nice letter from Christy Marx in #2.

Keep up the good work.
Steve Leialoha
San Francisco, CA

Dear WAP!

I've seen issues #1 and #4 so far, and I must tell you my gut reaction is that this is not a positive development for comics. You guys are all fleeing from reality, desktop publishing with the monies from those publishers you constantly bitch about, who've made you rich.

I can picture Frank waking up in a cold sweat, saying, "Oh, shit...I've got another *Batman* idea..! I'll have to deal with those *assholes* again in New York..!" Try to discipline your mind, Frank. Stop getting ideas for Marvel/DC trademark stories, and this goes for all of you, and you'll be a lot happier.

Otherwise, I can recommend Kitchen Sink Press (and the low monies involved) if it's creative freedom you're looking for.

For the record, I'm a cartoonist, not a freelancer. And what's wrong with painting houses, anyway? At least you'd have some respect for yourselves. Oh, and another thing...for me, WAP! stands for whiny and pretentious.

Donald Simpson
Pittsburgh, PA

Don, cartoonist *is an* artistic *distinction.* Freelancer *is an* economic *distinction. If you make your living as part of what the government likes to call the work force, and you're not earning a salary or an hourly wage working for some company or individual (with taxes and social security withheld), you're a freelancer. For WAP!'s purposes, the term* cartoonist *excludes too many professionals -- writers, letterers, colorists -- who do not draw.*

Dear Steve, Steve, Frank, Mark, et al.

I received my copy of the premiere issue of WORDS & PICTURES a few months ago, and am now just getting around to subscribing. This is not due to just procrastination on my part, as I am left with rather mixed feelings

about WAP!. In one respect, I know that we sorely need a forum as professionals in the comics community that is not touched by the *Comic Buyer's Guide, Comics Journal,* or other publications.

I immediately was aware that I was reading a publication by professionals in the industry from the illustrations, but was soon troubled by what I perceived to be a rather snide approach to reporting of industry issues. I recognize that the nature of the business tends to have the freelancers at odds with their publishers, yet I could not help but feel there was an underlying tone of contempt for the publishers, as well as for artists and writers that choose to work as employees of these companies, and a general regard of these publishers as enemies.

In particular, the "Rumors and Innuendo" section reminded me of a Rona Barrett broadcast with its "what famous writer was seen with what famous artist..." format. Assuming that all these accounts are true, I see little reason for utilizing such camouflage.

There is also the general condescending tone of WAP!, reflected in the subscription rates for publishers and company employees, and in the Freelancer's lexicon that strikes me as gratuitous, as it is only there to antagonize the publisher, and provide no service whatsoever to the freelancer.

This being said, I certainly do not suggest that you back away from criticizing publishers that put into practice policies that are unfair to freelancers. I only suggest that these criticisms be directed at the issue in question, and not at personalities, or as indicative of the nature of comic publishers in general.

There are indeed many issues for the freelancer to be involved with, and we do frequently find ourselves at serious odds with the publishers, but these differences should be dealt with civilly and directly, and not through innuendo.

I'm concerned when Marvel holds Jack Kirby's artwork for ransom. I'm concerned when DC instigates rating policies when pressured by outside forces, without consulting with their freelancers. I'm concerned about back-of-check statements. I'm concerned about freelancer rates not keeping up with cost of living increases as most employee wages do. I'm concerned about creator's rights. I am also concerned that our differences with our publishers are dealt with in a manner that all parties might retain respect for one another. If we allow our emotions to push us beyond this point, we create a situation where the freelancer and publisher have no respect for each other, and eventually no respect for themselves for dealing with people they regard with such low esteem.

To be an effective force in the comics community, I feel it will be necessary to not just point out what the problems are (although that is a necessary first step), and bemoan the injustices of our lot in life with jabs at the perpetrators of these inequities. It is also necessary to set up a course of action that may bring about a change in the unjust policies. Simply put, I belive we would be best served by (1) clearly stating exactly what the policies are that are unacceptable to the creators, and explain why, if it is not clearly evident, these policies are improper, (2) present several options for dealing with the problems, and (3) offering legitimate suggestions to the freelancer as to how he may resolve these matters.

There is also no place whatever in a professional publication for petty bickerings with personalities, specifically your grudge-match with Gary Groth. Such things are best left to the tabloid scandalsheets.

However, is spite of all I've just mentioned, I do appreciate your intentions, and am very much in favor of a publication that may respond to the needs of the freelancer. I enjoyed the Puma Blues/ Steve Geppi article and follow-up. This is what the freelancer needs to become involved with: not just the problem, but how we can continue through to a solution. Thanks also for pointing out the "back-of-voucher" statements. I would not have thought even to look for those, as I would for a "back-of-check" statement that requires my signature.

I believe your intentions are correct, and believe that you will certainly fill a need in the freelance community. I look forward to seeing WAP! develop into a publication that will truly serve the freelance community.

I don't feel it is right for me to continue reading other's copies of WAP! without subscribing myself, regardless of whether or not I personally agree with the opinions expressed within. I am enclosing my check for a subscription, and wish you the best of luck.

Thomas D. Luth
Long Beach, California

Dear Brad,

I first learned about WAP! from the *Comics Journal.* A friend sent me issue #3.

There's nothing wrong in professionals (or any others) getting together in some kind of association, to keep informed, bargaining, protection, etc.

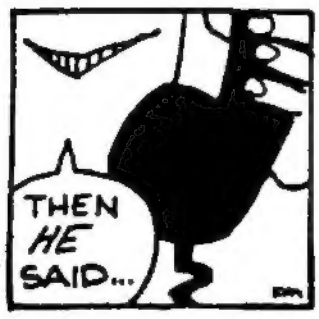
A problem is what values, premises, principles, does it rest on and how valid are they. If a premise is flawed, a principle not universally valid, then the association will not achieve the end it desires.

Organizations want to speak for all, including doubters and dissenters. It tends to have a group think mentality. Members are supposed to go along with whatever is declared the ruling policy. The main thrust is that it is Insiders (always in the right) versus Outsiders (in the wrong).

Actually, the only sides are the rational and the irrational. And it should always be the first against the latter, whether they are inside a group or outside it.

It will be interesting to see which side will be established in WAP! But maybe in this era of deliberately flawed heroes, a deliberately flawed publication might be its greatest virtue.

Steve Ditko
New York, NY



RUMORS AND INNUENDO

"GOOD NEWS FOR MODERN MAN" Dept.: This one comes from **ROCK&ROLL CONFIDENTIAL** ($24 for 12 issues from Box 15052, Long Beach, CA 90815, and worth every penny), the best other newsletter we know of (and highly recommended for those interested in the political side of music). It only has to do with comics by implication, but what the hell? "Last August, just in time for a **BEASTIE BOYS** show, the

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city of Jacksonville, Florida passed an ordinance that required the words 'for mature audiences only' to be on tickets for local 'adult' concerts. **THE BEASTIES** sued the city, claiming the move hurt ticket sales. A U.S. District Court judge agreed, but the city resisted until mid-June, when it was announced it would pay the group $1000 plus attorney fees, in addition to making a formal statement that the ordinance violated free speech..." Just goes to show what some balls can do. A legal precedent? Could be...

"DEJA VU" Dept.: Again from RRC. (Bear with us on this.) Shades of Friendly Frank's! In Alexander City, Alabama, a record store called TAKING HOME THE HITS was busted for selling rap records. A black plainclothes policeman came in one day and asked owner Tommy Hammond to sell him one of the lewder rap records available, which Hammond keeps behind the counter. Hammond checked the man's age and sold him the record. The cop left. Next day another cop appeared and busted him for selling pornography. Hammond protested that the cop the day earlier was old enough to buy the disc. The answer? "Not in this state. Nobody's old enough to buy it in this state." The cops then pinched most of the store's rap records (and *only* the rap records, despite "controversial" material in other genres), even one not lewd (most were labelled, which pointed the cops right to them). The arresting officer's explanation: "I don't like the sound of it." Hammond is fighting the misdemeanor charge in court, and the cops have already warned another Alexander City record dealer about selling "obscene" materials. Sound familiar? It seems to us that some sort of alliance between musicians and comics freelancers, and between comics dealers and record dealers (there's a lot more overlap in these areas than might be imagined), might be a good idea...

"HI-YO SILVER, AWAY!" Dept.: Remember that **BIG NAME RETAILER**, who helped trigger the ratings war of a couple years ago? From down around the streets of Laredo comes the story that a few weeks back **BIG** ordered all copies of **WASTELAND** removed from the shelves of his stores because he didn't like it, claiming the stories were beyond all bounds of good taste. The story continues that he also ordered that the customers not be told of the decision, and said to tell anyone who asked that **WASTELAND** just hadn't come in yet. Curiously, media magazines with ads offering X-rated material still adorn the racks in all of **BIG**'s stores. Insiders suggest that **BIG** holds DC Comics responsible for the "smutifying" of comics in the past couple of

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years, and that he only carries the company's line because it would kill his business if he didn't. According to what we were told, **BIG** discourages his shopkeepers from displaying any DC promo material. Hey, **BIG**, if you want to feud with DC that's all right with us, but do you have to penalize a couple of working stiffs like John Ostrander and Del Close, not to mention assorted artists, to do it? Not to mention penalizing your customers who *want* **WASTELAND**. Are you in business, or what?

"OVERHEARD AT SAN DIEGO" Dept.: When the Publisher's room was being set up, that **DIRECT SALES MANAGER FOR THAT BIG UPTOWN COMPANY** apparently told the man in charge with the con, "We don't want Star*Reach next to our booth, because we don't want them stealing our artists." Or so we're told...

"MONEY CHANGES EVERYTHING" Dept.: Speaking of **UPTOWN**, remember that multi-feature weekly book they were touting? We're told it's unofficially gone now, reverting back to a single feature monthly, but rumors of *why* it finally disappeared are pretty amusing. Word has it that the company's **EXECUTIVE VICE PRESIDENT** was determined to keep it going despite low sales, to teach the editors how to turn material around more quickly. *Then* **EXEC** saw the Federal Express bill for the book, yearly estimates of which were said to be between $40,000 and $60,000... and they hadn't even added up the *phone* bill yet...

"STRANGE DAYS" Dept.: Sometimes, if you read the signs right, you can tell you're in line for the big slide. Take **MR. X**, who has been writing for that **BIG DOWNTOWN COMPANY** on and off for the last ten years. He and a **WELL-KNOWN WEST COAST ARTIST** created a science fiction book for them a couple years back, and recently decided to leave the book. The credits on their last issue was supposed to read "A Denouement By..." Someone — the editor? The proofreader? — must have decided that didn't look right, these French-derived words being *so* hard to understand, because the printed credits read "A *Denouncement* By..." Little did **MR. X** know his troubles had just begun. A couple months later, that occult character **MR. X** writes for **DOWNTOWN** was going into his own title. Seems **MR. X** started with a slow scene that built to the splash page, but **DOWNTOWN** wanted something a little flashier to start with. So they rearranged the first five pages to start with action and have the slow stuff as flashback during the action scene — *without changing any of the copy to fit.* This lent sort of an unwanted... um... *avant-garde* effect to the script. **MR. X** found out about this at the last minute, complained bitterly (he says it doesn't seem to have occurred to anyone at **DOWNTOWN** that adjustments might be desirable), and quickly wrote a few extra captions to smooth things over. With the story, not with the company. Within a couple of weeks, he was informed he was no longer on the book, as **DOWNTOWN** felt they should get a "hot talent" to write it. (So does the squeaky wheel get the grease or the shaft?) Side note: when they heard about all this, **UPTOWN** asked **MR. X** to create a new occult character for them...

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"DEPT. OF CORRECTIONS": So how many people out there didn't guess that our **"CHEW ON THIS ONE"** item from last issue was about Mark Nevelow and Piranha Press? We bring this up because Mark wanted us to correct part of the item, and suggested we identify him. Mark admits the essential truth of the first (which he says has been sorted out to everyone's satisfaction) and the third (which he acknowledges was a misunderstanding) parts of the item, but vehemently denies the second part, which accused him of tossing a copy of **TIME**[2] at a couple of freelancers and telling them that's what Piranha wants. Mark says that what he does with people who aren't too familiar with comics is to show them a wide range of the material that has been done in the medium, and among them is the Chaykin volume. (This jibes with info we've gotten from other freelancers.) The freelancers in question seem to have gotten completely the wrong impression from Nevelow's presentation. Mark continues: "The cumulative effect of running these three items together is to imply to your readers that if they have an interesting project, they shouldn't bother talking to Piranha about it, and I don't see it serves your readership to scare them away from any potential market." Very true, and we apologize to both Mark *and* our readers for that. While it isn't WAPI's policy to endorse *any* publisher, we've seen some of the projects Piranha's working on, and we can vouch for their interest in unusual work and formats. We aren't interested in chasing freelancers away from markets (unless there's overt criminality afoot, of course), we just want them to be able to go into dealings with their eyes *wide* open...

SHORT NOTES: Despite convention season, it has been a pretty quiet month. We were happy to meet so many subscribers and supporters at San Diego... Remember to call or drop us a short note when you take on a new assignment or drop an old one, and we'll announce it here... In the meantime, one of our subscribers has this question: "John Costanza has been working for DC for several decades now, and his speed and skill at lettering has hauled them out of many deadline crunches over the years. So when are they going to learn to spell his name right in the books, and make sure his name is on the right books?" Beats us...

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In This Issue...

In 1968, some of DC's best and best-known writers tried to form a union...and within eighteen months, all of those writers had "left the firm." Mike W. Barr offers the details, beginning on Page 1.

The I.R.S. has challenged Blackthorne — and freelancers. See page 3.

The new DC deal for creative rights is defined. See page 2.

It's true: the freelancer is *always* wrong...on page 14.

Plus: More from Steve Bissette on censorship...letters from Leialoha, Luth, Ditko and others...and a whole new supply of rumors and innuendo.

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